IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Bail Appl..No. 3285 of 2007()

CC.301/2004 of C.J.M.,KASARAGOD

Crime No.225/2000 of Kumbla Police Station

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: PETITIONER/ACCUSED

O.A.ISMAIL, S/O ALI,
OLAYAM, SHERIYA VILLAGE, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
SHO KUMBLA POLICE STATION, REP. BY
PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3285 OF 2007 A

Dated this the 4th day of June, 2007

O R D E R

Petitioner, who is the 5th accused in Crime No.225/2000 of Kumbla Police Station for offences punishable under Secs.143 and 147 read with sec.149 I.P.C. and section 4 of PDPP Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. No.301/2004 on the file of the J.F.C.M., Kasaragod, the case against the petitioner has been transferred to the Long Pending Case Register as L.P. Case No.18/2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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